

Message Text

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ACTION ACDA-12

INFO OCT-01 EUR-12 IO-13 ISO-00 ACDE-00 NRC-05 DLOS-09
CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 ICAE-00
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TO SECSTATE WASHDC IMMEDIATE 2614

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 11593

E.O. 11652: GDS

TAGS: PARM, US, UR, CCD

SUBJECT: US-USSR ARMS CONTROL WORKING GROUP ON RADIOLOGI-
CAL WEAPONS (RW) AND NEW WEAPONS OF MASS DESTRUCTION (MDW),
FIFTH ROUND: SOVIET REVISIONS OF U.S. KEY ELEMENTS I-V

REF: A) STATE 110409, B) GENEVA 11450, C) STATE 231245,
26 SEP 77

RW MESSAGE NO. 4

1. SUMMARY: AS REPORTED REF B, AT SECOND PLENARY, JULY
24, SOVDEL PRESENTED REVISIONS OF US-PROPOSED KEY ELEMENTS
I THROUGH V (CONTAINED PARA 2 BELOW). ELEMENT (ARTICLE)
I IS THE BASIC PROHIBITION; ELEMENT (ARTICLE) II, DEFINI-
TION; ELEMENT (ARTICLE) III, PROHIBITION RE MATERIAL RE-
SULTING FROM PEACEFUL USES; ELEMENT (ARTICLE) IV, NON-
ASSISTANCE; ELEMENT (ARTICLE) V, PEACEFUL USES. SOVIET-
PROPOSED ARTICLES AND USDEL ANALYSIS AND RECOMMENDATIONS
ARE PRESENTED IN PARAS 4-10. END SUMMARY.

2. AT SECOND RW MEETING, SOVDEL AGREED WITH U.S. APPROACH
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PRESENTING SCOPE AND DEFINITION IN FOUR ELEMENTS (ARTI-
CLES), AS PUT FORWARD BY U.S. ON MAY 4 (REF A), RATHER
THAN IN TWO ELEMENTS (ARTICLES) AS PREVIOUSLY. SOVIETS
STATED THAT, WHILE THEY HAD NO OBJECTION IN PRINCIPLE TO
U.S. WORDING OF FIRST FOUR ELEMENTS (ARTICLES), THEY
DEEMED IT NECESSARY TO CHANGE U.S. WORDING IN ORDER TO
MAKE A NUMBER OF POINTS MORE PRECISE. ENGLISH TRANSLATION

OF SOVIET VERSION OF ELEMENTS (ARTICLES) I THROUGH IV AND
ALSO A SOVIET REWRITE FOR ELEMENT (ARTICLE) V PRESENTED BY
U.S. SEPTEMBER 27, 1977 (REF C) FOLLOW:

BEGIN TEXT:

- ARTICLE I

EACH STATE PARTY TO THIS CONVENTION UNDERTAKES NOT TO
DEVELOP, PRODUCE, STOCKPILE, OTHERWISE ACQUIRE, POSSESS OR
USE RADIOLOGICAL WEAPONS.

- ARTICLE II

FOR THE PURPOSE OF THIS CONVENTION THE TERM "RADIOLOGI-
CAL WEAPON" MEANS:

1) ANY WEAPON, OTHER THAN NUCLEAR EXPLOSIVE WEAPON,
EQUIPMENT OR DEVICE, SPECIFICALLY DESIGNED TO USE RADIO-
ACTIVE MATERIAL FOR THE PURPOSE OF CAUSING DESTRUCTION,
DAMAGE OR INJURY BY MEANS OF THE RADIATION PRODUCED BY THE
DECAY OF SUCH MATERIAL;

2) ANY RADIOACTIVE MATERIAL, OTHER THAN RESULTING FROM
THE USE OF A NUCLEAR EXPLOSIVE WEAPON, SPECIFICALLY DE-
SIGNATED TO CAUSE DESTRUCTION, DAMAGE OR INJURY BY MEANS OF
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THE RADIATION PRODUCED BY ITS DECAY.

- ARTICLE III

EACH STATE PARTY TO THIS CONVENTION UNDERTAKES NOT TO
USE RADIOACTIVE MATERIAL, DESIGNED FOR PEACEFUL USES OR
RESULTING FROM PEACEFUL ACTIVITIES, FOR THE PURPOSE OF
CAUSING DESTRUCTION, DAMAGE OR INJURY BY MEANS OF THE
RADIATION PRODUCED BY ITS DECAY.

- ARTICLE IV

EACH STATE PARTY TO THIS CONVENTION UNDERTAKES NOT TO
ASSIST, ENCOURAGE, OR INDUCE ANY PERSON, STATE, GROUP OF
STATES OR INTERNATIONAL ORGANIZATION TO ENGAGE IN ANY OF
THE ACTIVITIES CONTRARY TO THE PROVISIONS OF ARTICLES I AND
III.

- ARTICLE V

PROVISIONS OF THIS CONVENTION SHALL NOT HINDER THE USE
OF SOURCES OF RADIATION FROM RADIOACTIVE DECAY FOR PEACEFUL

PURPOSES AND SHALL BE WITHOUT PREJUDICE TO THE GENERALLY
RECOGNIZED PRINCIPLES AND APPLICABLE RULES OF INTERNATIONAL
LAW CONCERNING SUCH USE. END TEXT.

3. USDEL ANALYSIS OF AND RECOMMENDATIONS ON SOVIET-PRO-
POSED LANGUAGE FOLLOW PARAS 4-10 BELOW:

4. ARTICLE I (BASIC PROHIBITION): SOVIET VERSION OF
ELEMENT (ARTICLE) I PUTS PROHIBITION ON USE IN THE BASIC
PROHIBITION. USDEL BELIEVES PROHIBITING USE OF RADIOLOGI-
CAL WEAPONS IN ELEMENT (ARTICLE) I IS LOGICAL AND REASON-
ABLE WHEN READ TOGETHER WITH FULL-SCOPE DEFINITION OF
RADIOLOGICAL WEAPONS IN ELEMENT (ARTICLE) II. PROHIBITION
ON USE AS A RADIOLOGICAL WEAPON OF RADIOACTIVE MATERIAL
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DESIGNED FOR PEACEFUL PURPOSES REMAINS IN ELEMENT (ARTICLE)
III.

5. ARTICLE II (DEFINITIONS): SOVIET REVISION OF ELEMENT
(ARTICLE) II INCLUDES A NUMBER OF CHANGES:

(A) SOVIETS HAVE REORDERED PARAS TO COVER IN THE

DEFINITION OF RADIOLOGICAL WEAPONS FIRST "ANY WEAPON... EQUIPMENT OR DEVICE" AND THEN RADIOACTIVE MATERIAL. USDEL BELIEVES SOVIET PROPOSED ORDER IS MORE LOGICAL THAN U.S. VERSION AND THEREFORE RECOMMENDS ITS USE. (COMMENTS BELOW IDENTIFYING ARTICLE II PARAS BY NUMBER REFER TO SOVIET ORDER.)

(B) SOVIETS CONTINUE TO INSIST ON INCLUDING WORD "WEAPON" IN PHRASE "ANY WEAPON...EQUIPMENT OR DEVICE" IN PARA 1, ARTICLE II. ALTHOUGH THE SOVIET FORMULATION DOES NOT APPEAR TO CHANGE THE MEANING SUBSTANTIVELY, IT IS REDUNDANT. BECAUSE OF THIS REDUNDANCY, U.S. LANGUAGE IS EQUALLY, IF NOT MORE, DEFENSIBLE THAN SOVIET; THEREFORE, USDEL DOES NOT PROPOSE CHANGING U.S. FORMULATION AT THIS TIME.

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(C) IN BOTH EXCLUSION CLAUSES IN ARTICLE II, SOVIETS PREFER THE FORMULATION "NUCLEAR EXPLOSIVE WEAPON" TO US-PROPOSED "NUCLEAR EXPLOSIVE DEVICE." IN USDEL VIEW, SOVIET FORMULATION IN PARA 2, ARTICLE II EFFECTIVELY EXCLUDES FROM THE PROHIBITION ONLY THAT RADIOACTIVE MATERIAL WHICH RESULTS FROM USE OF NUCLEAR EXPLOSIVE WEAPONS AND CLOSES A POSSIBLE LOOPHOLE PRESENTED IN THE U.S. VERSION, I.E., THAT RADIOACTIVE MATERIAL RESULTING FROM NUCLEAR TESTS OR OTHER NUCLEAR EXPLOSIVE DEVICES COULD BE USED TO CAUSE DESTRUCTION, DAMAGE, OR INJURY (DDI). USDEL, THEREFORE, RECOMMENDS ACCEPTANCE OF SOVIET FORMULATION IN PARA 2, ARTICLE II. AS REGARDS THE EXCLUSION CLAUSE IN PARA 1, ARTICLE II, USDEL FEELS THAT THE SOVIET FORMULATION DOES NOT RESULT IN SUBSTANTIVE CHANGE AND, FOR REASONS OF CONSISTENCY, RECOMMENDS ITS ACCEPTANCE IN THAT PARA AS WELL.

(D) SOVIETS HAVE FALLEN OFF THEIR POSITION THAT "MEANS OF DELIVERY" SHOULD BEE INCLUDED IN THE DEFINITION OF RADIOLOGICAL WEAPONS.

(E) SOVIETS HAVE SUBSTITUTED THE WORD "USE" FOR U.S. TERM "DISSEMINATE." SINCE WORD "DISSEMINATE" MEANS "DISPERSE" OR "SCATTER," SOVDEL MAINTAINS THAT, UNDER U.S. FORMULATION, USE OF RADIOACTIVE MATERIAL TO CAUSE DDI WOULD BE ALLOWED IN THE EVENT THAT RADIOACTIVE MATERIAL WERE NOT DISSEMINATED, BUT INSTEAD "USED" IN CONCENTRATED FORM. (SOVIETS CITED EXAMPLE OF PLACING A PIECE OF RADIOACTIVE MATERIAL IN A WATER RESERVOIR TO CONTAMINATE IT.) USDEL UNDERSTANDS THE NEED TO INCLUDE CONCEPT OF DELIVERY TO A TARGET IN AN RW CONVENTION BUT, AT SAME TIME, CAN ALSO SEE THE LINGUISTIC PROBLEM POSED BY THE WORD "DISSEMINATE." USDEL, THEREFORE, PROPOSES AN ALTERNATE FORMULATION (BELOW)

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DERIVED FROM GUIDANCE CONTAINED PARA 3, REF A. USDEL BELIEVES THIS ALTERNATE FORMULATION CLARIFIES THE CONCEPT OF DELIVERY OF RADIOACTIVE MATERIAL TO A TARGET AND THUS AVOIDS IMPLICATIONS AFFECTING PARTICLE BEAM WEAPONS.

6. REFORMULATION OF ELEMENT (ARTICLE) II INCORPORATING ABOVE USDEL SUGGESTIONS AND REQUIRED EDITORIAL CHANGES:

BEGIN TEXT:

FOR THE PURPOSE OF THIS CONVENTION, THE TERM "RADIOLOGICAL WEAPON" MEANS:

1) ANY EQUIPMENT OR DEVICE, OTHER THAN A NUCLEAR EXPLOSIVE WEAPON, SPECIFICALLY DESIGNED TO DELIVER RADIOACTIVE MATERIAL FOR THE PURPOSE OF CAUSING DESTRUCTION, DAMAGE OR INJURY BY MEANS OF THE RADIATION PRODUCED BY THE DECAY OF SUCH MATERIAL; OR

2) ANY RADIOACTIVE MATERIAL, OTHER THAN THAT RESULTING FROM THE USE OF A NUCLEAR EXPLOSIVE WEAPON, DELIVERED FOR THE SPECIFIC PURPOSE OF CAUSING DESTRUCTION, DAMAGE OR INJURY BY MEANS OF THE RADIATION PRODUCED BY ITS DECAY.
END TEXT.

7. ARTICLE III (PROHIBITION RE MATERIAL RESULTING FROM PEACEFUL USES): SOVIET VERSION OF ELEMENT (ARTICLE) III DOES NOT CONTAIN PROHIBITION OF USE OF RADIOLOGICAL WEAPONS SINCE THAT PROHIBITION APPEARS IN SOVIET VERSION OF ELEMENT (ARTICLE) I. SOVIETS HAVE RETAINED THE U.S. CONCEPT OF PROHIBITING USE, TO CAUSE DDI, OF NON-WEAPON RADIOACTIVE MATERIAL, BUT HAVE DESCRIBED SUCH MATERIAL AS "DESIGNED FOR PEACEFUL USES" RATHER THAN THAT "NOT SPECIFICALLY DESIGNED AS A WEAPON." USDEL FEELS THAT SOVIET LANGUAGE PROHIBITS USE OF NON-WEAPON RADIOACTIVE

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MATERIAL AS A RADIOLOGICAL WEAPON AS EFFECTIVELY AS U.S. FORMULATION. USDEL FEELS THE PROHIBITION REGARDING RADIOACTIVE MATERIAL IS ALL-ENCOMPASSING SINCE ANY RADIOACTIVE MATERIAL DELIVERED TO CAUSE DDI IS COVERED BY ELEMENTS (ARTICLES) I AND II. THEREFORE, USDEL RECOMMENDS ACCEPTANCE OF SOVIET VERSION FOR ELEMENT (ARTICLE) III.

8. REFORMULATION OF ELEMENT (ARTICLE) III INCORPORATING ABOVE USDEL SUGGESTIONS AND REQUIRED EDITORIAL CHANGES:

BEGIN TEXT:

EACH STATE PARTY TO THIS CONVENTION UNDERTAKES NOT TO USE RADIOACTIVE MATERIAL DESIGNED FOR PEACEFUL USES OR RESULTING FROM PEACEFUL ACTIVITIES FOR THE PURPOSE OF CAUSING DESTRUCTION, DAMAGE OR INJURY BY MEANS OF THE RADIATION PRODUCED BY ITS DECAY.

END TEXT.

9. ARTICLE IV (NON-ASSISTANCE): THE ONLY DIFFERENCE BETWEEN THE SOVIET VERSION AND THE U.S. VERSION IS THE CONFIDENTIAL

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SUBSTITUTION OF THE PHRASE "CONTRARY TO THE PROVISIONS OF" FOR U.S. FORMULATION "SPECIFIED IN." FOR REASONS INDICATED REF A, USDEL RECOMMENDS NO CHANGE TO U.S. FORMULATION.

10. ARTICLE V (PEACEFUL USES): IN THIS ELEMENT (ARTICLE), LANGUAGE WHICH SOVIETS ARE NOW PROPOSING IS ACTUALLY US-PROPOSED LANGUAGE OF AUGUST 1977. IN SEPTEMBER 1977, HOWEVER, USDEL PRESENTED NEW LANGUAGE TO SOVIETS (REF C) IN AN ATTEMPT TO RESOLVE AN APPARENT NEGOTIATING IMPASSE OVER DIFFERENCES IN THE U.S. AND SOVIET AUGUST FORMULATIONS. FOR TIME BEING, USDEL RECOMMENDS MAINTAINING U.S. SEPTEMBER LANGUAGE. HOWEVER, USDEL FEELS THAT ORIGINAL (AUGUST) U.S. LANGUAGE, NOW ACCEPTED BY THE SOVIETS, POSES

NO PROBLEM AND THAT U.S. SHOULD BE PREPARED TO REVERT TO IT
IF NECESSARY.

VANDEN HEUVEL

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